

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claims 1 and 13-15 are amended. Reconsideration of the present application based on the above amendments and the following remarks is respectfully requested.

Applicant thanks the Examiner for the allowance of claims 1-14.

Applicant thanks the Examiner for the courtesies extended Applicant's representative during the October 6 telephone interview. Applicant's separate record of the substance of the telephone interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration since the amendments merely respond to a requirement of form asserted in the current Office Action; (c) do not present any additional claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. The Claims Satisfy All Formal Requirements

The Office Action objects to claims 1 and 13-15 because of informalities. Specifically, the Office Action asserts that the phrase "for engine control during the vehicle is running" is improper grammar. As discussed during the telephone interview, claims 1 and 13-15 have been amended to recite "for engine control when the vehicle is running". Accordingly, withdrawal of the objection to claims 1 and 13-15 is respectfully requested.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 15 and 16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,853,859 to Morita. This rejection is respectfully traversed.

As discussed during the personal interview, Morita fails to disclose a vehicle traveling state recording method comprising the steps of recording information on traveling states in a computer for engine control, as claimed in claim 15; or a computer mounted in a vehicle and controlling an engine, as claimed in claim 16.

Instead, Morita merely discloses an operation data recording system comprising a detecting means for detecting the operating condition of a vehicle and an operation data recording device D1 loaded on a vehicle (col. 2, lines 16-17); sensors, such as, an engine operation sensor S1, vehicle operation sensor S2, and actual operation sensor S3 (col. 2, lines 56-63); inner memory M and IC card 10 (col. 8, lines 8-12); and external display means 92 and recording means 91 (col. 9, lines 25-27, Fig. 1).

In Morita, the inner memory M is part of the operation data recording system (fig. 2(a)). Statistical data may be stored in the inner memory (col. 6, lines 40-41). The operation data recording system is capable of storing operation and non-operation data of the engine, traveling part and working machine, and data of numeral value such as traveling speed and r.p.m. of the engine (col. 1, lines 54-62). This data is simply stored for later retrieval by an external data processing device (see, e.g., last paragraph of the Abstract), but is not used for engine control. When later retrieved, it can be used, e.g., for vehicle maintenance (see, e.g., col. 7, lines 6-14). However, there is no disclosure in Morita that the data recorded in inner memory M, or the operation data recording system, controls the engine. Thus, Morita does not provide the features of recording information on traveling states in a time-series manner in a computer for engine control when the vehicle is running, as claimed in claim 15, or a computer mounted in a vehicle and controlling an engine, the computer comprising a memory for recording the information inputted to the input section, wherein information recorded on traveling states is recorded in a time-series manner, as claimed in claim 16.

As such, Morita fails to disclose all of the features of claims 15 or 16. Thus, for at least the reasons discussed above, it is respectfully submitted that claims 15 and 16 are distinguishable over the applied art. Accordingly, withdrawal of the rejection under §102(b) is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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